

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ANDREW DOWD,	:	
	:	S1 21 Cr. 530 (SHS)
Defendant.	:	
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WHEREAS, on or about October 19, 2021, ANDREW DOWD (the “Defendant”), among others, was charged in a six-count Superseding Indictment, S1 21 Cr. 530 (SHS) (the “Indictment”), with conspiracy to commit mail and wire fraud in violation of Title 18, United States Code, Section 1349 (Counts One and Four); mail fraud in violation of Title 18, United States Code, Sections 1341 and 2 (Counts Two and Five); and wire fraud in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Three and Six);

WHEREAS, the Indictment included forfeiture allegations as to Counts One through Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Six of the Indictment, including but not limited to a sum of money in United States Currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Six of the Indictment;

WHEREAS, on or about December 16, 2022, the Defendant was found guilty, following a jury trial, of Counts One through Six of the Indictment;

WHEREAS, the Government asserts that \$2,900,905 in United States currency represents any and all property, real and personal, that constitutes or is derived from proceeds

traceable to the offenses charged in Counts One through Six of the Indictment that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$2,900,905 in United States currency, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United State Codes, Section 2461(c), representing the amount of proceeds traceable to the offenses charged in Counts One through Six of the Indictment that the Defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Six of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through Six of the Indictment, of which the Defendant was found guilty following a jury trial, a money judgment in the amount of \$2,900,905 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One through Six of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ANDREW DOWD, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:

HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

DATE